



Part C - Due Process Hearing Request



Notice to Parent's Request for Due Process Hearing

(Use additional pages if necessary)

PROBLEM 2 AND FACTS RELATED TO PROBLEM 2: What is the nature of the problem and what are the facts that relate to the problem?

(Use additional pages if necessary)

PROPOSED RESOLUTION OF PROBLEM 2: Describe the things that you believe will resolve the issues based on the information available to you.

(Use additional pages if necessary)

Please mail, fax, or hand deliver the original request to the other party and provide a copy of this notice to Birth to 3 Connections, at the address on the previous page. Keep a copy of your request and proof of delivery. **Do not submit supporting documents with your request for a due process hearing.** This form is provided to you as a model for your use. You are not required to use this form; however, failure to address the elements required in IDEA or failure to provide the other party with a copy of this notice may result in a delay of the hearing and/or in a reduction of attorney fees, if awarded.

*I have been informed that (a) I have a right to initiate a due process hearing relating to concerns I have about the identification, evaluation or placement of my child or the provision of early intervention services to my child; (b) I must make my request for a due process hearing within 2 years of the date I knew or should have known of the action that forms the basis of this complaint; (c) the 2 year time limit may be extended if the local program/school prevented me from requesting the hearing through specific misrepresentations that it had resolved the problem or if the local program/school withheld information that it was required by law to give me. I understand that the local program/school must meet with me prior to a due process hearing to attempt to resolve the problems stated in this due process notice. However a meeting is not required if the local program/school and I agree, in writing, to waive such meeting or agree to use the mediation process. I also understand that I may obtain a copy of the notice of parent rights explaining my due process rights from the local program/school upon request.

Date

Signature of authorized local program/school representative

*Please note that you are required by law to send, within 10 days of receiving this notice, a response to the local program/school that specifically addresses the issues raised in this complaint. Please refer to your parental rights/ procedural safeguards for a full description of your due process rights. If this is the first time a due process hearing has been requested regarding your child, a copy of the parent rights/procedural safeguards is enclosed with this notice. If a copy of the parental rights/procedural safeguards is not enclosed with this notice please be advised that it is always available from the local program/school upon request or from the South Dakota Department of Education, Office of Educational Services and Support, Birth to 3 Connections Program at: <http://doe.sd.gov/oess/Birthto3/prosafe/index.asp> <http://doe.sd.gov/oess/specialed/prosafe/index.asp>.
website needs to be updated

***Resolution Session:** Within 15 days of receiving a notice requesting due process, the local program/school must meet with the parents and relevant members of the IFSP team to attempt to resolve the matter during a resolution session. If both parties agree to meet at a resolution session, the 45-day timeline for conducting a due process hearing is suspended. However, if they agree to waive their right to a resolution session or use the mediation process instead, the clock keeps on ticking. If no resolution is reached within 30 calendar days of a due process request, the 45-day timeline for conducting a due process hearing starts again. If the local program/school and parents reach a resolution within that time, they must put the agreement in writing and have it signed by both parties. The parties then get another three business days to void it and continue to a due process hearing.

*Please be advised that a mediation process is also available to help resolve special education disputes. The costs of mediation are borne by the state. Thus, there are no costs for mediation to either the parents or the local program/school. The mediator is an impartial professional who is: (a) knowledgeable in special education law, (b) not connected with the local program/local; and (c) selected for the mediation by the state department of education.

I would like to request mediation

____yes ____ no

